THE HON'BLE SRI JUSTICE J. CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE P. SWAROOP REDDY

W.P.No. 14019 of 2004

Dated: -04-2007

Between:
The State Level Police Recruitment Board,
Government of Andhra Pradesh, rep., by its
Chairman, O/o The Director General of Police,
Lakdi-ka-pool, Hyderabad and others

....Petitioners

and

Nemmadi Satyanarayana

JC & PSR, JJ.

W.P.No. 14019 of 2004

O r d e r:

(Per P. Swaroop Reddy, J.)

This writ petition is filed by the State against the orders of the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No. 4099 of 2003. The State is the petitioner herein

2. The case of the respondent-applicant is that he applied for the post of Police Constable (Civil) in response to a notification issued by the present petitioner. He was selected. Thereafter, a reference was made for enquiry of his antecedents, which revealed that a criminal case was registered against him, which, fact, he did not mention in the Verification Forms. That a false was foisted against him under section 354 IPC at the instance of the

father of one K. Sridevi, with whom he was in love and whom he subsequently married and the case was disposed by Lok Adalat acquitting him.

3. The petitioners-respondents filed counter in the O.A., contending that prior to the submission of his Attestation forms to the Superintendent of Police, Eluru, the applicant has to furnish all the relevant information as called for in the attestation forms. The applicant, in spite of knowing about registration of a criminal case against him, did not mention the same in the attestation forms. Thus he suppressed important information with regard to the case registered against him and about his involvement and arrest in the said case. Thus he has indulged in suppression of facts. The learned Tribunal allowed the application holding that in similar cases such a relief was granted. As against the same, the present writ petition is filed.

4. Now the contention of the learned Government Pleader appearing for the petitioners is that the applicant might have been acquitted on account of the settlement in Lok Adalat; but his suppressing the fact of a case being registered against him, is sufficient to disqualify him for selection.

5. Now, it has to be seen as to whether there was any suppression of fact about a case being registered against the responden. As per the report submitted by the Superintendent of Police, West Godavari at Eluru, case in Cr.No. 21 of 2003 under section 354 IPC of Undi Police Station was registered against the respondent-applicant on 11.3.2003 and the attestation forms were submitted by the applicant on 16.3.2003. Thus the applicant, who already figured as an accused, at the time of the application, failed to furnish the information.

6. Absolutely there is no material on record to show that by 16.3.2003, the applicant was aware of the fact of a case being registered against him on 11.3.2003. It is possible that in spite of the case being registered, there was no information to the accused about the same. Admittedly, he was arrested only on 25.3.2003 and on that day only, it can be said that the applicant had information about the case being registered against him, but; much before that on 16.3.2003 he has submitted the attestation forms. Thus, there is absolutely no material to show that the applicant had suppressed the fact of a case being registered against him, knowing about the same.

7. Column No.19 of the application (Annexure-I), for the post of Police Constable, in which the applicant should furnish the correct particulars, reads as follows:

> "*Have you ever been prosecuted or convicted by a court of law in the past or facing trial, in any case (if yes, please furnish full details such as name of the court, conviction particulars")*

Thus, this column is provided for furnishing information about the facts that have taken place by the date of application. As already referred, there is no material to show that the applicant was aware of a case being registered against him by 16.3.2003. Though FIR was registered against him on 11.3.2003, his facing trial etc., are all subsequent to submission of attestation forms. In view of all these circumstances, we see no merits in the writ petition.

8. Apart from the above, in this case, there is an additional fact of the respondent-applicant marrying the lady against whom; he allegedly committed the offence under section 354 IPC. The case of the applicant being that he was in love with her, and her

parents did not like the same and got foisted a false case against him.

9. In the result the writ petition is dismissed. No costs.

_____

J. CHELAMESWAR, J.

---04---2007.

***BVS**

_____

P. SWRAOOP REDDY, J.